

ROTHMAN, SCHNEIDER, SOLOWAY & STERN, LLP

Attorneys at Law
100 Lafayette Street, Suite 501
New York, NY 10013

Franklin A. Rothman
Jeremy Schneider
Robert A. Soloway
David Stern
Rachel Perillo

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Tel: (212) 571 5500
Fax: (212) 571 5507

By ECF

Hon. Arun Subramanian
United States District Court
500 Pearl Street
New York, New York 10007

The Court considered Van Manen's application for a certificate of appealability and denied the application on September 24, 2024. Dkt. 456. The renewed request does not raise any new arguments, and accordingly there is no basis for revisiting its September 24, 2024 Order. The renewed request is DENIED.

The Clerk of Court is respectfully directed to terminate the motion at Dkt. 459.

SO ORDERED.

Re: United States v. Paul Van Manen Ind: 18 Cr. 30 (AS)



Arun Subramanian, U.S.D.J.
Date: October 11, 2024

Dear Judge Subramanian:

On September 9, 2024, Petitioner, Paul Van Manen, filed a notice of appeal from this Court's denial of his motion pursuant to 28 U.S.C. § 2255, and also moved this Court for the issuance of a certificate of appealability. The government opposed by letter of September 17, 2024.

I write to respectfully renew and reiterate Petitioner's request for issuance of a certificate of appealability as to whether trial counsel was ineffective for failing to, (i) serve and file sufficient expert witness notice as to toxicologist Robert Powers which resulted in preclusion of a qualified expert who would have consequentially supported counsel's naked arguments that the government did not prove Michael Ogno died as a result of ingesting drugs supplied by Petitioner; and, (ii) raise and support with reason and ample out-of-circuit authorities that Petitioner was outside the chain of distribution of drugs delivered to Shaun Sullivan such that a sentencing enhancement for supplying drugs resulting in serious bodily injury via overdose was erroneously applied.

Thank you very much for your attention.

Respectfully,

Robert A. Soloway

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cc: AUSA Ryan Finkel
(by ECF)
RAS:sc